

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

DAVID R. HYDE,	)	
	)	
Plaintiff,	)	Case No. 4:12-cv-00040
	)	
v.	)	<b><u>ORDER</u></b>
	)	
CAROLYN W. COLVIN,	)	By: Hon. Jackson L. Kiser
Acting Commissioner of Social Security,	)	Senior United States District Judge
	)	
Defendant.	)	

Before me is the Report and Recommendation (“R & R”) of the Honorable B. Waugh Crigler, recommending that I grant Plaintiff’s Motion for Summary Judgment [ECF No. 16], enter judgment for Plaintiff, and recommit this case to the Commissioner for the sole purpose of calculating and paying proper benefits. [ECF No. 26.] The R & R was filed on September 19, 2013, and the Commissioner filed a timely Objection on September 26, 2013. [ECF No. 27.] Plaintiff offered no response within the subsequent fourteen (14) day period, and the matter is now ripe for review. *See* Fed. R. Civ. P. 72(b)(2).

For the reasons stated in the accompanying Memorandum Opinion, I hereby **SUSTAIN IN PART AND OVERRULE IN PART** the Commissioner’s Objection, **ADOPT IN PART AND REJECT IN PART** Judge Crigler’s R & R, **GRANT IN PART AND DENY IN PART** Plaintiff’s Motion for Summary Judgment, **DENY** the Commissioner’s Motion for Summary Judgment, **GRANT** Plaintiff’s Motion to Complete the Record, **REMAND** the case to the Commissioner for further proceedings, and **DISMISS** this case from the docket.

The Clerk is directed to send a copy of this Order and accompanying Memorandum Opinion to all counsel of record as well as to Magistrate Judge Crigler.

ENTERED this 28<sup>th</sup> day of October, 2013.

s/Jackson L. Kiser

SENIOR UNITED STATES DISTRICT JUDGE